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Attorneys for Defendant
MARIO GONZALEZ

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO GONZALEZ,

Defendant.

CASE NO. 2:20-CR-00013 WBS

STIPULATION AND ORDER TO CONTINUE
JUDGMENT AND SENTENCING HEARING AND
MODIFY PRESENTENCE SCHEDULE

DATE: January 13, 2025
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Defendant, Mario Gonzalez, by and through his counsel of record, and plaintiff, by and through its counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for judgment and sentencing on January 13, 2025. Mr. Gonzalez filed a motion to dismiss pursuant to *United States v. Duarte*, 101 F.4th 657)9th Cir. 2024), setting the motion for hearing on the same date that was previously set for the judgement and sentencing. The United States moved to hold the motion to dismiss in abeyance for a period of 60 days or until the Ninth Circuit reached a decision on the government's petition for rehearing en blanc in *Duarte*. The United States Court of Appeals scheduled oral argument for December 11, 2024. While the *Duarte* opinion has presently been vacated pending the rehearing en blanc, Mr. Gonzalez wishes to continue the motion hearing pending the outcome of the en blanc proceedings. The United States does not object to this requested continuance.

2. Additional time is now necessary before the parties are prepared to proceed to sentencing. By this stipulation, the parties now move to continue the judgment and sentencing hearing until April 28, 2025.

3. The parties understand that this date is available to the Court for a continued judgment and sentencing hearing.

4. It is therefore requested that the motions hearing (Docket Nos. 145, 147), and judgement and sentencing date currently scheduled for January 13, 2025 be continued to **April 28, 2025 at 10:00 a.m.** before this Court.

IT IS SO STIPULATED.

Dated: January 5, 2025

PHILLIP A. TALBERT
United States Attorney

/s/ EMILY SAUVAGEAU

EMILY SAUVAGEAU
Assistant United States Attorney

Dated: January 5, 2025

/s/ TAMARA SOLOMAN

TAMARA SOLOMAN
Counsel for Defendant
MARIO GONZALEZ

ORDER

IT IS SO FOUND AND ORDERED.

Dated: January 6, 2025



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE